

State of California
Business, Transportation & Housing Agency
Department of Transportation

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ENVIRONMENTAL MATTERS
For Consideration of Funding
03-SUT/YUB-70 PM 0.2/8.3;0.0/R7.0
Action Item

CTC Meeting: April 3-4, 2002

Reference No: 2.2c.(4)

Original Signed By
ROBERT L. GARCIA
Chief Financial Officer
April 1, 2002

APPROVAL OF PROJECT FOR CONSIDERATION OF FUNDING
ROUTE 70 IN SUTTER/YUBA COUNTIES
RESOLUTION E-02-29

SUMMARY AND CONCLUSIONS

The attached resolution proposes to approve for consideration of funding the following project for which an Environmental Impact Report has been completed:

- Route 70 in Sutter/Yuba Counties-upgrade the existing two-lane highway to a four-lane expressway, south of Marysville.

The project is fully programmed as three separate construction phases in the 2002 State Transportation Improvement Program (STIP) for a total of \$142.8 million, including \$123.4 million capital and \$19.4 million support.

The Environmental Impact Report, Executive Summary and Statement of Overriding Considerations have been transmitted to Commission staff.

The Department has approved the project for construction. This approval and the resulting filing of the Notice of Determination with the Office of Planning and Research will satisfy the environmental requirements for this stage of the project planning process.

RECOMMENDATION

The Department recommends that the California Transportation Commission, as a lead agency, approve the attached Resolution E-02-29.

Attachment

CALIFORNIA TRANSPORTATION COMMISSION

Resolution For Consideration of Funding 03-SUT/YUB-70 PM 0.2/8.3;0.0/R7.0

Resolution E-02-29

- 1.1 WHEREAS**, the California Department of Transportation (Department) has completed an Environmental Impact Report in compliance with the California Environmental Quality Act, the CEQA Guidelines, and the California Transportation Commission Environmental Regulations for the following project:

 - Route 70 Sutter/Yuba Counties-upgrade the existing two-lane highway to a four-lane expressway, south of Marysville.
- 1.2 WHEREAS**, the California Transportation Commission, as a lead agency, has considered the information contained in the Environmental Impact Report; and
- 1.3 WHEREAS**, the project will not have a significant effect on the environment.
- 2.1 NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby approve the above referenced project for consideration of funding.

SCH Number 1995103063
03 SUT, YUB-70, KP 0.3/13.4; 0.0/11.3
03210-376100

**Upgrade Route 70 in Sutter and Yuba Counties
To Four-lane Expressway/Freeway**
From 0.6 miles South of Striplin Road to 0.3 miles South of McGowan Road Overcrossing

EXECUTIVE SUMMARY

January 2002



EXECUTIVE SUMMARY

Project Elements

The California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) propose to upgrade a 24.5 kilometer [km] (15.5 mile[mi]) segment of State Route (SR) 70 to a four-lane expressway. Additionally, right of way will be acquired and reserved for a full freeway conversion. This conversion would be subject to a separate environmental approval prior to construction. * MERGEFORMAT The project begins 1 km (0.6 mi) south of Striplin Road (Rd), at the 99/70 wye, and ends 0.5 km (0.3 mi) south of the McGowan Parkway (Pkwy) overcrossing (Figure 2-1).

This project was initiated in 1991, with two Project Study Reports (PSRs) being completed for this section of SR 70. Workshops and map displays were provided to the public in 1992 and 1993 to obtain feedback on the proposed project. The original alternatives proposed in 1991 were modified in order to respond to citizens' concerns, agency concerns, and new information.

The project's purpose, need, and range of alternatives were developed in consultation with the U.S. Army Corps of Engineers (ACOE), U.S. Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service (NMFS) using the National Environmental Policy Act/404 Integration Process (NEPA/404). (See Glossary page 9-3.)

Alternatives Considered

Based on comments from local agencies, resource agencies, and the community, Caltrans developed several alternatives to meet the transportation needs of the community as well as inter-regional travelers while preserving the wildlife habitat of the area. Three build alternatives and the No Build alternative were evaluated. All build alternatives closely follow existing SR 70 except in the vicinity of East Nicolaus.

Alternatives 1, 2, and 3 all begin at the juncture of State Routes (SRs) 70 and 99. At this point two new lanes east of the existing highway would be constructed from the SR 70/99 split to Striplin Rd, where initially an at-grade intersection and eventually an interchange would be constructed. The section from Striplin Rd to Marcum Rd varies with each alternative due to the presence of wetlands. These variations are further described below.

Alternative 1

Alternative 1 consists of two new lanes east of the existing highway from the SR 70/99 split to Striplin Rd. Near Striplin Rd, the two new lanes would transition to the west side of the existing highway and four new lanes would be constructed to Marcum Rd, utilizing land formerly used by the Sacramento Northern Railway. The existing highway would be utilized as a frontage road.

Alternative 2

Alternative 2 is similar to Alternative 1, except the alignment is shifted approximately 45 meters [m] further to the west between Striplin and Marcum Rds. This alternative avoids wetlands located immediately west of the existing SR 70.

Alternative 3

Alternative 3 is similar to Alternative 1, except the alignment is shifted to the east between Striplin and Marcum Rds. This alternative avoids wetlands located west of the existing SR 70. This alternative would utilize the existing SR 70 for southbound lanes and add two new lanes for northbound traffic. A two-lane frontage road would be constructed to the east of the new northbound lanes to accommodate local traffic.

All Build Alternatives

An overcrossing is proposed at Marcum Rd, where the highway would turn west, bypassing the town of East Nicolaus, and then return to the west side of existing SR 70 near Cornelius Avenue (Ave). An interchange would be constructed at Nicolaus Ave and an overcrossing at Cornelius Ave. North of Cornelius Ave, two new lanes would be constructed to the west of the existing highway.

An at-grade intersection and eventually an interchange would be constructed at Berry and Kempton Roads (Rds). Just north of Berry and Kempton Rds, the proposed freeway would transition back to the east side of the existing roadway at the Bear River bridge. The Rio Oso Rd intersection would be eliminated and frontage roads would be constructed from Rio Oso Rd to Berry and Kempton Roads.

At the Bear River, a new bridge would be constructed to the east of the existing bridge for the northbound lanes. The existing bridge would be widened to accommodate the southbound lanes. An at-grade intersection and eventually an interchange would be constructed at Feather River Boulevard (Blvd). The alignment would continue north with two new lanes on the east side of the existing highway. A second undercrossing at Algodon Rd, and a second overhead at Plumas Arboga Rd would be constructed to accommodate the two new northbound lanes. At this point the alignment would run between some high power electrical towers to the east and Plumas Arboga Rd to the west and return to existing SR 70 just south of McGowan Pkwy.

Identification of the Preferred Alternative

Alternative 3 with an 18.6m (61 ft) median has been identified as the preferred alternative for the State Route 70 Upgrade Project and as the Least Environmentally Damaging Practicable Alternative (LEDPA) under Section 404(b)(1) of the Clean Water Act. The U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACOE) have concurred with these determinations as required by the NEPA/404 Integration Memorandum (see Appendix C). The basis for the identification of Alternative 3 as the preferred alternative is discussed below.

Although all three alternatives would have similar environmental impacts, Alternative 3 was identified as the preferred alternative and differs from the others since it would result in a smaller amount of direct impacts to vernal pool wetlands. In addition, its selection will make possible

the avoidance of six of the eight vernal pool complexes between Striplin Rd and Marcum Rd, leaving their continuity with the adjacent open land intact.

Two median widths 14 m and 23.4 m (46 ft and 78 ft), were considered in the DEIR/EIS with regard to impacts to wetlands. The Project Development Team determined the difference in wetland impacts attributed to each median width was not significant enough to warrant selection of the narrowest median, due to safety concerns. During discussion with the NEPA/404 agencies regarding selection of the preferred alternative, EPA and the USFWS indicated their preference was for the 14 m median. Caltrans and FHWA indicated they could not accept the 14 m median since it did not meet current American Association of State Highway and Transportation Officials (AASHTO) standards for a rural divided roadway. Minimum median width according to these standards is 18.6 m (61 ft). At the request of the agencies, further evaluation of the 18.6 m median was undertaken to determine if there would be a reduction of wetland impacts. This evaluation found that a 0.2 ha (0.5 ac.) reduction in total wetland impacts could be achieved. In light of this information, agreement was reached between the parties to use the 18.6 m median to reduce the amount of wetland impacts.

Non Standard Features

The existing vertical curve of mainline over Algodon and Plumas Arboga Rds does not meet the minimum stopping sight distance requirements. In order to attain the required stopping sight distance for the existing crest vertical curve at Plumas-Arboga Overhead, the grade would have to be raised and the slope reduced such that Algodon Road Undercrossing and approximately 3100 m (1.9 mi) of existing roadway would have to be replaced. The new lanes would be constructed to match the existing profile in order for future widening to work properly.

Stages

The project would be constructed in three stages (i.e., linear segments), each approximately 8 km (5 mi) in length. The first stage would be from just north of the Bear River bridge to just south of McGowan Pkwy. This would include two new structures: one undercrossing at Algodon Rd and one overhead at Plumas Arboga Rd. There would be a transition to two lanes just north of the existing Feather River Blvd.

The second and third stages would be constructed together. They are in Sutter and Yuba Counties from the 70/99 split to just north of Feather River Boulevard and would include the new interchange at Nicolaus Ave, overcrossings at Marcum Rd and Cornelius Ave, a new bridge over the Bear River, and widening of the existing bridge.

Imported Borrow

Approximately 1.1 million m³ (1.4 million cubic yards) of imported borrow would be required to construct the proposed project. These quantities are preliminary and adjustments of earthwork will be made during final design. Material required for import would be acquired from material site(s) with full environmental approval/permits.

Estimated Costs

Project staging costs are detailed in the "Proposed Alternatives" section. These costs were developed for a range of three alternatives for both construction and right of way costs. Potential

costs for environmental mitigation are incorporated into the "Cost Summary" and reflect the most current and best estimates for on-site and off-site mitigation strategies to compensate for unavoidable impacts to wetlands. Costs for the alternatives range from \$105,300,000 to \$106,700,000.

Park and Rides

Due to the proposed development throughout the corridor, the Caltrans Park and Ride Coordinator has recommended a Park and Ride facility be located at Feather River Blvd and Plumas Arboga and Algodon Rds. Construction should take place after local development reaches the point where a Park and Ride facility is justified. The Coordinator has indicated the county planning department will require the developer to provide the facility.

SUMMARY OF ENVIRONMENTAL CONSEQUENCES

Land Use

Direct land use changes that would occur as a result of the proposed project include the conversion of farmlands, open space, riparian areas, and residential parcels to highway right-of-way. Indirect land use changes could also occur as a result of the proposed project. These changes could include the construction of businesses and homes along the project route and in communities to the north of the route as a consequence of the improved access and mobility provided by the proposed project.

The proposed project is consistent with policies contained in the Sutter County and the Yuba County General Plans and other specific plans for the project area. The project is intended to meet the existing and/or projected traffic demand based upon the local land use plans.

Farmlands

Farmland impacts would occur with all alternatives except the No Build alternative. Total farmland converted to highway right of way would be: Alternative 1 – 103 hectares (ha) (256.9 acres [ac]); Alternative 2 – 116.0 ha (286.9 ac); and Alternative 3 – 110.2 ha (272.5 ac). Using the Land Evaluation Site Assessment criteria established under the Farmland Protection Policy Act, farmland impact conversion rating scores for the build alternatives are 111 points for Yuba County and 132 points for Sutter County out of a total possible 260 points. These scores indicate that the farmland shall be given a minimal level of consideration for protection. For scores of 160 points or greater, the environmental document must identify and discuss alternatives that would avoid farmland impacts or, if avoidance is not possible, discuss measures to minimize or reduce the impacts.

Relocation

Alternative 1 would affect 21 residences (i.e., single family residences and mobile homes) and four farms. Alternative 2 would affect 22 residences and four farms. Alternative 3 would affect 19 residences and five farms.

Based on current information on real estate in the Sutter and Yuba County area, there appears to be a sufficient number of single-family homes available for sale and rent to relocate the affected households. Adequate replacement sites would also be available for the farms which would be displaced.

Economic

Economic impacts would occur under all build alternatives. The proposed bypassing of East Nicolaus would quite likely cause businesses dependent on drive-by traffic to experience a decrease in business activity. In addition, a minor reduction in tax revenue would be experienced by Sutter and Yuba Counties due to acquisition of private property.

Growth Inducement

SR 70 currently functions at acceptable levels of service and therefore access is not considered a constraint to growth. The project is expected to affect growth by accommodating planned and approved developments. As part of the regional transportation system, the project will expand access to existing developed areas and provide new or improved access to previously undeveloped land.

Air Quality

The project would have a positive impact on air quality at both a regional and local level. The project impact on regional air quality is addressed as part of the Transportation Improvement Plan (TIP) conformity analysis. This analysis indicates that the proposed project would contribute to the general improvement of air quality in the region by conforming with the State Implementation Plan (SIP).

Visual

Visual impacts would occur with construction of all build alternatives. Proposed interchanges and overcrossings would block near and far views of agricultural lands and surrounding topographic features. In the vicinity of East Nicolaus, the project would block views of lands to the west due to construction of the Nicolaus Ave interchange and embankments.

The proposed project would result in the loss of some native riparian trees and shrubs. As many as 391 riparian trees over 6" diameter at breast height (dbh) could be affected. The majority of the affected trees are valley oaks. Modifications during the final design phase could reduce the number of trees and saplings potentially affected by this proposed project.

Scenic Resources

The Bear River and its riparian corridor are considered to be a scenic resource. Impacts could occur due to the removal of large riparian trees or the change in motorist's current views of the resource.

Noise

The proposed project would have an effect on noise levels. The noise levels at a few sensitive receptor areas are expected to increase by as much as 12 decibels (dBA). Additionally, there would be temporary noise impacts associated with construction.

Water Quality

The proposed project could affect water quality through either soil exposure, stormwater runoff, or accidental fuel spills during construction. Construction of the new roadbed would require grading of existing soils and imported borrow. Stormwater runoff in the northern portion of the project area currently discharges to drainage systems such as Algodon Slough thence Bear River. Open vegetated areas and vegetated channels are considered an effective resource for the treatment of storm water.

Wetlands

The proposed project would potentially affect up to 8 ha (21 ac) of wetlands and waters subject to the jurisdiction of the ACOE (). Table I provides a breakout of wetland impacts by type for each alternative and optional median width proposed. These wetland sites occur on both sides of the existing highway and are evenly distributed throughout the project.

All potential wetlands within the study area were delineated according to the U.S. Army Corps of Engineers (ACOE) 1987 Wetland Delineation Manual. A total of 83 wetland sites and 8 non-wetland "waters of the United States" were delineated. Verification of the delineation was made by the ACOE in a letter to Caltrans dated November 21, 1995. Caltrans biologists re-checked the verification in the field in 2000 and found that no changes had occurred. The ACOE therefore agreed to re-verify the delineation during the permitting process.

Five types of wetlands were identified within the project study corridor based on vegetation composition and hydrologic regime: vernal pools, seasonal wetlands, freshwater marsh, seasonal riparian and seasonal forested riparian.

Executive Summary Table I Impacts to Jurisdictional Wetlands and Other Waters of U.S. by Alternative

Type of Wetland	Alt. 1 14.0 m (46 ft) median	Alt. 1 23.4 m (78 ft) median	Alt. 2 14.0 m (46 ft) median	Alt. 2 23.4 m (78 ft) median	Alt. 3 14.0 m (46 ft) median	Alt. 3 23.4 m (78 ft) median
Vernal Pools	3.9 (9.6)	4.0 (9.8)	2.4 (5.9)	2.4 (6.0)	2.6 (6.4)	2.6 (6.5)
Seasonal Wetlands	1.5 (3.6)	1.5 (3.8)	1.1 (2.8)	1.2 (2.9)	1.1 (2.8)	1.2 (2.9)
Freshwater Marsh	1.2 (2.8)	1.2 (3.0)	0.9 (2.2)	1.0 (2.4)	0.7 (1.7)	0.8 (2.0)
Seasonal Riparian Wetland	0.4 (1.0)	0.4 (1.1)	0.4 (1.0)	0.4 (1.1)	0.4 (1.0)	0.4 (1.1)
Seasonal Forested Riparian Wetlands	0.6 (1.5)	0.6 (1.5)	0.6 (1.5)	0.6 (1.5)	0.6 (1.5)	0.6 (1.5)
Subtotal	7.6 (18.5)	7.7 (19.2)	5.4 (13.4)	5.6 (13.9)	5.4 (13.4)	5.6 (14.0)
Other Waters of the U.S.	0.5 (1.3)	0.6 (1.5)	0.5 (1.2)	0.6 (1.5)	0.5 (1.2)	0.6 (1.5)
Total Impact to Wetlands/Waters	8.1 (19.8)	8.3 (20.7)	5.9 (14.6)	6.2 (15.4)	5.9 (14.6)	6.2 (15.5)

Through coordination with the EPA, Caltrans modified Alternative 3 to reduce the median width from 23.4 m (78 ft) to 18.6 m (61 ft) (letter dated July 25, 2000), thus further reducing the aquatic resource impacts by 0.20 ha (0.50 ac).

Threatened and Endangered Species

The proposed project could affect the federal endangered vernal pool tadpole shrimp (*Lepidurus packardii*) and the state threatened Swainson's hawk (*Buteo swainsoni*). In addition, the three proposed alternatives could affect potential habitat for the giant garter snake (*Thamnophis gigas*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), steelhead trout (*Oncorhynchus mykiss*), and the vernal pool fairy shrimp (*Branchinecta lynchi*). Impacts to these species are considered potential because suitable habitat was identified in the study area. However, these species were not found during surveys and there are no reported occurrences within the project limits. Preconstruction surveys will be conducted for giant garter snake and Swainson's hawk. For both of these mobile species, another survey prior to construction could lead to further minimization of impacts. If a snake were located, coordination with the California Department of Fish and Game (CDFG) would occur for relocation of the snake or identification of other avoidance measures. If additional Swainson's hawk nesting activity were observed within 0.4 km (0.25 mi) of the project area, consultation with CDFG would occur to identify appropriate mitigation measures. For the remaining, less mobile species, further avoidance would not be possible and preconstruction surveys would, therefore, not be effective or warranted.

Floodplain

The increased width of the roadbed would result in a loss of about 45 to 77 ha (111-190 ac) of floodplain. This loss would have a negligible effect on the floodplain values of agriculture, natural moderation of floods, water quality maintenance, and groundwater recharge. The extension of culverts to accommodate the widening of the highway would constitute a transverse encroachment into the 100-year floodplain. In Yuba County, the construction of a new roadbed would be a longitudinal encroachment into the 100-year floodplain.

The proposed project would displace a small portion of the Zone X floodplain (500-year floodplain), and result in a minimal encroachment.

The proposed project would displace a small portion of the Zone B (areas between 100 and 500-year floodplain) and Zone C (areas of minimal flooding) floodplain, and result in a minimal encroachment.

The proposed project, located in Zone A (100-year floodplain) north of the Bear River, would be located to the east of the existing SR 70. The eastern alignment would minimize encroachment into Zone A.

Hazardous Waste

The Initial Site Assessment (ISA) identified eighteen sites within 0.75 km (0.5 mi) of the project corridor as potential hazardous materials handling sites and/or hazardous waste sites. These sites were identified based on visual observation and reconnaissance and from the regulatory agency lists and file review. Most of these sites consisted of aboveground fuel tanks, many of which were not found on agency lists, but were observed in the field. There were no agency reports of contaminated soils or groundwater at any of the sites located within 0.75 km (0.5 mi) of the project corridor. Of these 18 sites, two are recommendation category A. This indicates that although not an active hazardous waste site, the site is known to contain or have contained one or more underground storage tanks (USTs). Further investigation is recommended prior to right of way acquisition. The results of investigation for those two sites are as follows:

Site 12: This is a former gasoline service station located at the northeast corner of SR 70 and Kempton Rd. A site investigation was conducted to determine if any USTs were present, and test the soil and groundwater for the presence of petroleum hydrocarbons. The results of the investigation showed that the soil and groundwater under the parcel are free of hydrocarbon impacts, and no USTs remain at the site.

Site 15: The ISA listed this site as containing two above ground storage tanks (ASTs), as well as the site of a former gasoline service station. A field review of the site was conducted, including an interview of the property owner. It was determined that the existing ASTs are outside the proposed right of way. According to the property owner, the former service station was located between old El Centro Rd and the former railroad tracks, which would place it under existing SR

70. It is assumed that whatever remaining USTs, if any, exist at the site were removed at the time of construction of existing SR 70.

Construction

There would be potential impacts to economics, air quality, noise, and water quality during construction. During construction, the proposed project would generate air pollutants through dust and exhaust from construction equipment. Construction of the proposed project would temporarily affect noise levels. Construction equipment noise of varying intensity and duration would be unavoidable but no single location would experience a long period of noise. Fueling and maintenance of construction vehicles and, consequently, the potential for accidental spills would also be unavoidable.

SUMMARY OF PROPOSED MITIGATION

Social and Economic

Construction would be staged in such a way as to reduce the impacts to any one area for a prolonged period of time. The acquisition and relocation program is conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and relocation resources are available to all relocatees without discrimination.

Air Quality

Caltrans Standard Specifications, are expected to effectively reduce and control emission impacts during construction. The provisions of Caltrans Standard Specifications, Section 7-1.01F, Air Pollution Control requires the contractor to comply with the local jurisdictions' rules, regulations, ordinances, and statutes. An example is the control of open burning and/or exhaust emissions from construction equipment.

Visual

Replacement planting would be at a 4:1 ratio. The majority of the replacement planting would consist of valley oaks with other associated trees and shrubs to provide diversity and visual interest within the project corridor. The planting would occur at various locations including the existing riparian areas, proposed interchanges and wider right-of-way areas. A 3-year plant establishment period would be required to ensure a survival rate of at least 80%.

Noise

Some receptors within the project area will experience future noise level increases that could be reduced by a minimum of 5dBA through the construction of soundwalls. However, soundwalls are only considered an effective mitigation if they also meet the "feasibility" and "reasonableness" criteria as outlined in 23 CFR 772.11 and in the Caltrans Traffic Noise Analysis Protocol. These criteria were applied and were not met. Soundwall construction is, therefore, not proposed.

Project construction would comply with Caltrans Standard Specification 7-1.01I. These specifications address measures for minimizing noise levels during construction.

Water Quality

The project would implement Best Management Practices (BMPs) for soil erosion, pursuant to the Caltrans Stormwater Quality Handbook. A detailed description of best management practices required by USFWS and NMFS for water quality and habitat protection can be found in the Biological Opinions (in Appendix E).

Existing drainage patterns within the project area will be restored and maintained after project completion.

Construction equipment and materials storage and maintenance areas would have some form of containment (e.g., berm) to facilitate containment and disposal of accidental spills.

No construction activities would occur within the bed or bank area of the Bear River or Coon Creek between October 15 and June 1, or as specified in the 1601 Streambed Alteration Agreement with the California Department of Fish and Game (CDFG), the Biological Opinion of the USFWS and the Biological Opinion of the NMFS.

Wetlands

Avoidance – Alternatives 2 and 3 would avoid disturbance of the vernal pools along the west side of the highway between Striplin and Marcum Rds. Both alternatives would reduce the project's total wetland impact by one-fourth.

Minimization – Two median widths 14.0 and 23.4 m, (46 and 78 ft) were originally studied to assess the project's "footprint" on wetlands. As a result of negotiations with the NEPA/404 agencies, the 18.6 m (61 ft) median was agreed upon.

Compensation – For each wetland type, the amount of surface area filled by the highway improvements would be compensated for by deducting wetland mitigation credits from the Beach Lake Mitigation Bank near the town of Freeport in Sacramento County. Permanent impacts to seasonal wetlands and freshwater marsh would be mitigated at the bank at a 2:1 ratio. Riparian wetland impacts would be mitigated at a 3:1 ratio. Vernal pool impacts would be mitigated at a 2:1 ratio for preservation of Wildlands-Orchard Creek Mitigation Bank and at a 1:1 ratio for creation at Wildlands-Sheridan Mitigation Bank.

Summary of Endangered Species Consultation

Caltrans and FHWA have completed formal Section 7 consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service under the Endangered Species Act of 1973, as amended (Act) on the proposed Upgrade of State Route 70 Project, Yuba and Sutter Counties. In compliance with the California Endangered Species Act, Caltrans has consulted with the California Department of Fish and Game (CDFG).

The USFWS's biological opinion addresses the effects of the proposed action on the endangered emerald pool tadpole shrimp (*Lepidurus packardii*), the threatened giant garter snake (*Thamnophis*

gigas), vernal pool fairy shrimp (*Branchinecta lynchi*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), and the Sacramento splittail (*Pogonichthys macrolepidotus*), in accordance with Section 7 of the Endangered Species Act of 1973, as amended (Act). Implementation of the proposed action is not likely to adversely affect the threatened delta smelt (*Hypomesus tanspacificus*), as the project site is situated upstream of the species' known upstream limit of occurrence in the Sacramento River.

The National Marine Fisheries Service's (NMFS) biological opinion addresses the effects of the proposed action on the threatened steelhead trout (*Oncorhynchus mykiss*) and the threatened spring-run Chinook salmon (*Oncorhynchus tshawytscha*).

For purposes of addressing indirect effects, commitments have been made by the Counties of Yuba and Sutter to jointly prepare a Habitat Conservation Plan (HCP) encompassing portions of both counties, but excluding the Yuba City Urban Plan. A process has been proposed to prepare the HCP in consultation with the USFWS and the NMFS.

The CDFG will issue an Incidental Take Statement for impacts to the threatened Swainson's Hawk (*Buteo swainsoni*) and the threatened giant garter snake upon approval of the final EIR. Impacts to Swainson's hawk foraging habitat will be mitigated through the acquisition of approximately 95 ha (232 ac) of habitat along the Bear River in Sutter and Yuba Counties. This purchase will be made in the name of the Department of Fish and Game Wildlife Conservation Board. The approximate cost will be \$370,000.00. Mitigation of impacts to the giant garter snake is discussed below in the summary of reasonable and prudent measures required by the USFWS.

Conclusion of the U.S. Fish and Wildlife Service's Biological Opinion - The proposed project may affect, and is likely to adversely affect the giant garter snake, the vernal pool fairy shrimp and vernal pool tadpole shrimp, the valley elderberry longhorn beetle, and the Sacramento splittail, and thus will require the implementation of effective conservation measures. The applicant has proposed avoidance, minimization, and conservation measures sufficient to offset the adverse effects of the proposed action to the vernal pool fairy shrimp and vernal pool tadpole shrimp, and the Sacramento splittail. Additional measures are required for the giant garter snake and valley elderberry longhorn beetle.

The USFWS has reviewed the current status of the giant garter snake, the vernal pool fairy shrimp and vernal pool tadpole shrimp, the valley elderberry longhorn beetle, and the Sacramento splittail, the environmental baseline for the action area, the effects of the proposed Upgrade of SR 70 project, including conservation measures proposed to minimize adverse impacts to listed species, and the cumulative effects. It is the USFWS's biological opinion that the project is not likely to jeopardize the continued existence of these species. Critical habitat has not been proposed or designated for the giant garter snake, vernal pool fairy shrimp, vernal pool tadpole shrimp, and the Sacramento splittail; therefore, critical habitat for these species will not be affected. Critical habitat for the valley elderberry longhorn beetle does not occur in the action area of the project and, therefore, will not be adversely modified.

An Incidental Take Statement was issued by the USFWS which included the following measures:

Reasonable And Prudent Measures Required By The USFWS – The Service believes the following reasonable and prudent measures are necessary and appropriate to minimize incidental take of the giant garter snake, listed vernal pool crustaceans, valley elderberry longhorn beetle, and Sacramento splittail:

Giant garter snake:

1. Harassment, harm, or take of giant garter snakes during construction activities and associated with implementing the project shall be minimized.
2. Impacts of temporary and permanent losses and degradation of habitat of giant garter snakes shall be minimized and, to the greatest extent practicable, habitat restored to its pre-project condition. Temporal and permanent loss of habitat shall be compensated.
3. To compensate for loss of habitat, approximately 40.9 ha (101 ac) of replacement giant garter snake habitat will be acquired at the USFWS approved Dolan Ranch mitigation bank in Colusa County, or at an alternate USFWS approved mitigation bank. The cost of this mitigation is approximately \$1,515,000.

Vernal pool fairy shrimp and vernal pool tadpole shrimp:

4. The effects to listed vernal pool crustaceans resulting from habitat modification and habitat loss shall be minimized.
5. The effects to listed vernal pool crustaceans from project construction shall be minimized.
6. Impacts to vernal pools will be mitigated through creation and preservation of habitat. Approximately 2.9 ha (7.2 ac) of created habitat will be purchased at the USFWS approved Orchard Creek mitigation bank in Placer County, or at an alternate USFWS approved mitigation bank. The cost of this mitigation will be approximately \$432,000. Approximately 6.8 ha (16.8 ac) of habitat will be preserved at the USFWS approved Sheridan mitigation bank in Placer County, or at an alternate USFWS approved mitigation bank. The cost of this mitigation will be approximately \$1,008,000.

Valley elderberry longhorn beetle:

7. The effects of project impacts to the beetle and to elderberry plants (habitat) shall be minimized throughout the proposed project area.

Sacramento splittail:

8. The effects of impeded migration, habitat loss, and salvage due to bridge construction shall be minimized.

Conclusion of National Marine Fisheries Service's Biological Opinion – The proposed project may affect, and is likely to adversely affect Central Valley steelhead and spring-run chinook salmon, and thus will require the implementation of effective conservation measures.

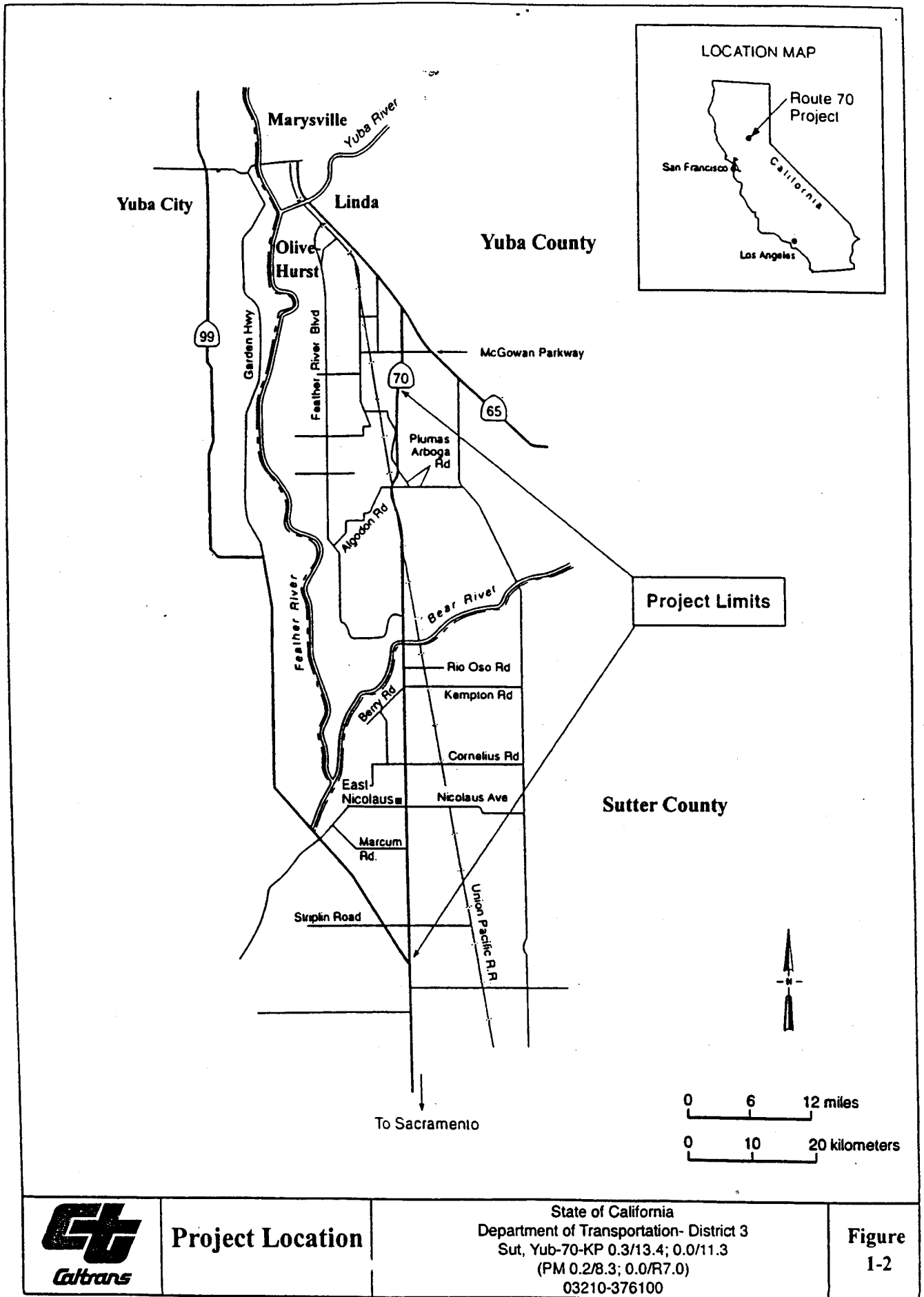
After reviewing the best available and commercial information, including the current status of Central Valley steelhead and spring-run chinook salmon, the environmental baseline for the action area, the effects of the proposed Route 70 Highway Upgrade project, as proposed, is not likely to jeopardize the continued existence of the Central Valley steelhead or spring-run chinook salmon Evolutionarily Significant Unit (ESU) and is not likely to destroy or adversely modify designated critical habitat.

An Incidental Take Statement was issued by the National Marine Fisheries Service which included the following measures:

Reasonable and Prudent Measures Required by the National Marine Fisheries Service
The National Marine Fisheries Service believes the following reasonable and prudent measures are necessary and appropriate to minimize incidental take of the Central Valley steelhead and spring-run chinook salmon:

1. Measures shall be taken to minimize injury to steelhead and chinook during construction of the bridge, replacement of the culverts, and continued use of the highway.
2. Measures shall be taken to avoid and minimize impact to critical habitat during construction of the bridge, replacement of the culverts and continued use of the highway.

NMFS has provided Essential Fish Habitat Conservation Recommendations for Pacific salmon. As required by section 305 (B)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act and 50 CFR 600.920(j), FHWA will comply with the recommendations.



SCH Number 1995103063
03 SUT,YUB-70, KP 0.3/13.4;0.0/11.3
03210-376100

**Upgrade Route 70 in Sutter and Yuba Counties
To Four-lane Expressway/Freeway**
From 0.6 miles South of Striplin Road to 0.3 miles South of McGowan Road Overcrossing

***CEQA FINDINGS
AND
STATEMENT OF OVERRIDING
CONSIDERATIONS***

January 2002



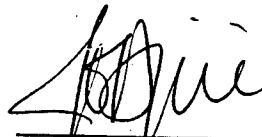
ENVIRONMENTAL CERTIFICATION

This is to certify that, in accordance with Section 15090 of the State CEQA Guidelines, the Final Environmental Impact Report (Final EIR) has been completed in compliance with CEQA and the State CEQA Guidelines.



JEAN L. BAKER

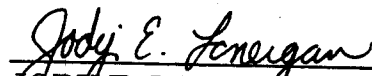
Chief, Environmental Management, M-2
Caltrans - District 3



KOME AJISE, AICP

Chief, North Region
Environmental & District 3 Planning

This certifies that I have reviewed and considered the information contained in the Final EIR prior to approving the project. Findings have been prepared for each of the significant environmental impacts identified in the Final EIR. These findings and a statement of overriding considerations supporting approval of the project are provided below.



JODY E. LONERAGAN

District 3 Director

1/9/02

Date

CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

The CEQA findings are discussed in the Final EIR in Section 4.17.1, page 4-57 to 4-58, Evaluation of Cumulative Impacts: Farmland; and Section 5.3, page 5-2 to 5-3, CEQA Significance Determination. The proposed project has the potential to result in the following significant environmental impacts:

- Wetlands – Existing wetlands would be affected by the project. Wetlands within the project area consist of vernal pools, seasonal wetlands, freshwater

marsh, seasonal riparian, seasonal forested riparian and other waters of the United States. These habitats are present in the drainages and channels that parallel or cross the SR 70 corridor. Most of the wetlands are seasonally dry since they are not physically linked to the drainage systems, with the exception of channelized streams and sloughs that drain the regional area and irrigated croplands. A total of 115 wetland sites were identified within the project area, containing 19 ha (47 ac) of wetland or other waters of the U.S. habitat. Of this area, unavoidable impacts to waters of the U.S. as a result of the proposed alternatives range from approximately 5 ha (13 ac) to approximately 8.4 ha (21 ac). These impacts are considered potentially significant and mitigation is proposed to lessen these impacts to a less than significant level.

- **Protected Species** – Potential impacts could occur to tadpole shrimp, a federal listed endangered species; giant garter snake, a state and federal listed threatened species; valley elderberry longhorn beetle, a federal listed threatened species; Swainson's hawk, a state listed threatened species; Central Valley steelhead, a federal listed threatened species; and, chinook salmon (fall run), a federal proposed listed threatened species. These impacts are considered to be significant since they involve effects to protected species and/or their habitat. Mitigation would be implemented, as stipulated in the U.S. Fish and Wildlife Services' Biological Opinion, the National Marine Fisheries Service's Biological Opinion, and the California Department of Fish and Game's 2081 Incidental Take Permit, to lessen the impacts to less than significant levels.
- **Noise** – Noise sensitive receptors consisting of scattered, rural residences along SR 70 and local roads, would be affected by increases in traffic noise levels. Modeling predicts substantial increases in noise level at some residences in close proximity to the roadway, and levels would exceed local, state and federal criteria. This potential impact is considered significant at some receptors. Soundwall construction is considered an effective mitigation measure for noise impacts only if the construction is determined to be both "feasible" and "reasonable." None of the affected residences meet both of these criteria. For approximately half of the receptors, soundwall construction would not be feasible, due to either access requirements for driveways, ramps, etc. or proximity to Plumas Arboga Road, an alternate source of unattenuated traffic noise which would continue to expose these homes to excessive noise. The reasonableness criteria require that soundwall construction costs for this project not exceed \$264,000 (i.e. \$33,000 per benefitted residence). The actual soundwall construction cost would be approximately \$1,023,000. Since soundwall construction was determined to be neither feasible nor reasonable, no mitigation of noise impacts is proposed.
- **Farmland** – Although the proposed project would not, in itself, result in significant impacts to farmlands, it would contribute to the incremental increase in the area's conversion of farmlands to transportation and other uses. The alternatives for the Route 70 upgrade range from 104 ha (257 ac) to 116 ha (287

ac) of designated agricultural land being converted to highway use. Existing, approved, or proposed land use and transportation projects in proximity to the Route 70 upgrade would also result in impacts on agricultural uses and soils. For example, full build out of the Plumas Lake Specific Plan area would result in the conversion of 2,023 ha (5,000 ac) of farmland, the Yuba County Motorplex would convert 362 ha (895 ac), and the North Arboga development would convert 243 ha (600 ac) of farmland. The permanent loss of farmland resulting from the construction of transportation projects and planned developments would be viewed as a substantial cumulative effect. The sustainability of farmlands would be adversely affected if such losses continue. It would not be economically viable or practicable for the California Department of Transportation (Caltrans) to purchase and attempt to preserve replacement farmland. Recognized, effective measures for protecting farmlands include zoning and land use restrictions such as imposing minimum parcel sizes and limiting residential density. Such measures are not within the jurisdiction of this agency. Therefore, no mitigation measures are proposed.

In conclusion, the following findings apply to the proposed project:

1. The project has been changed to avoid or substantially reduce the magnitude of potential impacts to wetlands and protected species. Through project modifications and proposed mitigation measures, potentially significant impacts to these resources would be reduced to a less than significant level.
2. The project would result in significant noise level impacts and significant cumulative impacts to farmlands. Due to economic and technical considerations, mitigation of these impacts is infeasible.

The following information is presented to comply with Section 15093 of the State CEQA Guidelines. Reference is made to the Final EIR for the project, which is the basic source for the information.

Overriding considerations that support approval of this recommended project are as follows:

The proposed State Route 70 upgrade project is needed in order to reduce traffic delays, reduce congestion, and improve safety. Presently, this segment of SR 70 is a two-lane highway, located between four-lane expressways both north and south of the project limits. The area is experiencing increasingly heavy commuter, recreational, commercial and agricultural use due to rapid growth within the region. Growth forecasts for the Sacramento to Chico corridor indicate that the current congestion and traffic delays will continue to increase if SR 70 is not improved. Without the proposed upgrade, the level of service for the existing facility would deteriorate to LOS E by the year 2010 and LOS F by the year 2020. The proposed improvements would maintain a LOS B for the year 2010 and a LOS

C for the year 2020. The upgrade would result in improved traffic flows, reduced energy consumption, improved air quality, and reduced travel times.

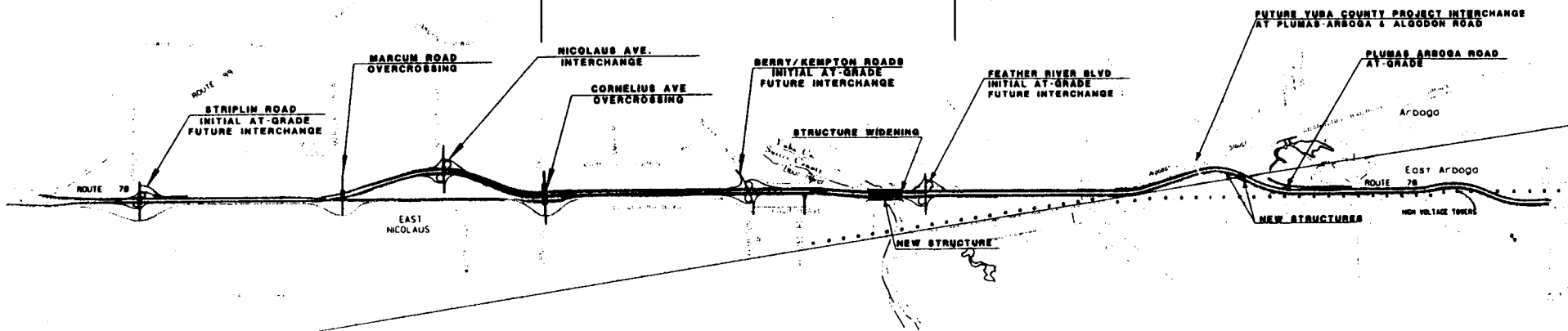
The California Department of Transportation (Caltrans) hereby finds that, for the reasons noted above, the economic, social, and other benefits of the project outweigh the unavoidable significant noise impacts and unavoidable contribution to significant cumulative farmland impacts identified in the findings.



STAGE 2








STAGE 3

STAGE 1



ROUTE 70 PROJECT

LEGEND

-  EXISTING ROAD
-  ROAD CONSTRUCTION
-  INTERCHANGES & OVERCROSSINGS
-  STRUCTURE WORK
-  COUNTY PROJECT
-  FRONTAGE ROADS
-  CITY & COUNTY ROADS